



City of Gloucester
Harbor Plan Committee Minutes
Monday, December 17, 2012- 7:00PM
Maritime Gloucester
23 Harbor Loop

Members:

Paul Vitale (Fisheries)
Ralph Pino (Waterways Board)
Greg Verga (City Council)
Rick Noonan (Planning Board)
Paul McGeary

Jeffrey Amero
Ann Molloy
Marcy Pregent
Ron Schrank

Alternates: Mike Potter & Steve Cefalo

Also in attendance: Sarah Garcia, Mayor Carolyn Kirk, Patti Page, Damon Cummings, Kathryn Glenn, Iain Kerr, Peter Feinstein, Jim Caulkett, Cate Banks.

1. Call to Order

Chair Rick Noonan called the meeting to order at 7:00 pm. He thanked everyone for coming. In opening business, he made sure everyone has been receiving emails from Sarah related the Committee. Everyone confirmed they are getting these emails.

2. Committee Business

a. Selection of a Vice Chair Person

Next, Mr. Noonan moved to the election of a Vice Chair. He explained that the Vice Chair will play an important role in running meetings in his absence.

MOTION

Mr. Verga motioned to nominate Paul McGeary as Vice Chair for the Committee. Ms. Malloy seconded the motion.

DISCUSSION

Mr. Verga noted that Mr. McGeary will easily pick up the responsibilities of Chair in Mr. Noonan's absence. He will keep the meetings flowing and be up to speed on all relevant Committee details. Continuity is important.

VOTE ON THE MOTION

All were in favor of the nomination, none opposed. Motion passes unanimously.

b. Roberts Rules of Order

In a discussion of Roberts Rules of Order, a summary of the procedures for meetings was circulated (see attached) to Committee members. Mr. Noonan explained that as an Ad Hoc Committee, the group is not subject to official state rules and regulations governing municipal committees/ commissions. As a result, Mr. Noonan stated that he would like to adopt parliamentary procedures as to ensure order and organization as the process moves forward. The Roberts Rules of Order provides structure for conversation, questions, votes, etc. He left the subject open to Committee discussion.

Mr. McGeary noted that these rules will allow for engaging conversation while recognizing turns for speaking and rules for order. They will also allow a method for recording any Committee actions or decisions in formal way.

MOTION

Mr. McGeary motioned to adopt the Roberts Rules of Order for the Harbor Plan Committee meetings. Mr. Pino seconded the motion.

VOTE ON THE MOTION

With no further discussion, all voted in favor of the motion, none were opposed. The motion passed unanimously.

c. Conflict of Interest Training

Sarah Garcia reminded the group that the City Clerk has recommended that all Committee members take the online Conflict of Interest Training offered by the state. The website is now open so she reminded all members to take the test. This test is required by state law and is useful and short. Once completed, a form can be printed and sent to the City Clerk for official verification of the completion of the test.

d. Other Committee Business

Mr. Noonan noted that it has been brought to his attention that additional thought needs to be given to the status of the Committee's alternate members. Initially, he noted that the spirit of the Committee was to bring people together who are interested and passionate about the harbor. Given that everyone on the Committee has their own personal investment in this process, consideration needs to be given to the use of alternates verses regular members. He suggested that instead of having 9 sitting members and 2 alternates, the Committee could instead have 11 sitting members. He noted that the Mayor is the appointing authority, and that she would therefore have the final say in this arrangement. Therefore, a motion, if proposed, would have to seek permission from the Administration to move from 9 to 11 sitting members. This elimination of the "alternate" status would allow all members to sit in regularly and contribute to the process.

Mr. Verga agreed that it makes sense to move to 11 sitting members, and that all should be a full part of the process.

The Mayor noted that in forming the Committee, consideration was given to its composition- some members were appointed from other city boards, and others were strict Mayoral appointments. In making these appointments, the Mayor wanted to make sure the Committee was balanced to represent all sides of the spectrum. She added that the reason for including alternates was to make sure there is a quorum at every meeting. In the past, she has found that often with volunteer committees, all business stalls to a halt without a quorum. Since forming the Committee and bringing the members together, her concerns over the balance have been

appeased. Many points of view are represented, which is a good thing. Given the current breakdown, it's not a bad idea to go to 11 sitting members. She agreed to make these formal appointments this evening if it is the will of the commission.

MOTION

Mr. Verga motioned to request to have the Mayor increase the number of sitting members on the Committee from 9 to 11, making alternate members Mike Potter & Steve Cefalo official sitting members of the committee. Mr. Pino seconded the motion.

DISCUSSION

Ms. Malloy asked how this increase in members would impact the Committee's voting procedures. Mr. Noonan responded that the 9 sitting members would vote on this motion, and if approved, all 11 would be able to vote on any other motions for the rest of the process. Ms. Malloy asked for further clarification on the motion and voting process. Mr. Noonan responded that as the planning process moves forward, recommendations, strategies, and approaches to these strategies will be made by the Committee, all of which will require formal motions and votes. Ms. Malloy responded that her concern about this voting process is that there may not be balance on certain issues that come before the Committee. Mr. Noonan responded that all decisions/ recommendations made by this Committee will be advisory and non-binding. All votes will be a matter of public record as well. He is certain that rigorous and balanced discussions will be held here with no pre-dispositions towards any particular side or sides of an issue.

VOTE ON THE MOTION

8 members vote in favor of the motion, with 1 (A. Malloy) abstaining. The motion carried.

With the motion passing, the Mayor appointed the two alternates as sitting members of the Committee.

3. Designated Port Area Regulations: An Overview of the State Regulations for the Inner Harbor

Kathryn Glenn of the State's Office of Coastal Zone Management (CZM) presented to the group, explaining she would provide a quick overview of Designated Port Area, which is challenging given the complexity of the regulations. She outlined her purpose in presenting, which included an explanation of the state's role in overseeing the regulations of the DPA, and encouraged the group to get in touch with her with any questions. She added that she intends to be at every meeting to answer questions.

Ms. Glenn noted that CZM is part of the Executive Office of Energy and Environmental Affairs (EEA). CZM's main function is to balance the uses of coastlines with the impacts of those uses and associated impacts. Collaboration with local partners is key in this effort. Ms. Glen noted that her region stretches from Revere and Salisbury up to Amesbury.

CZM's role in harbor planning involves providing general technical assistance to communities with working waterfronts. Including Ms. Glenn, there are 5 regional planners in Massachusetts offering expertise on DPA and other CZM regulations. These planners offer technical assistance on municipal harbor planning regulations, specific guidance on these laws and regulations, and conduct technical reviews on harbor plan submittals in collaboration with the Secretary.

Ms. Glenn noted that the Massachusetts Department of Environmental Protection is also part of EEA and is the implementing agency for Chapter 91, which is a state program that allows the protection and promotion of public use of tidelands. This Department issues permits, oversee projects, etc.

Chapter 91 comes from a principle called the Public Trust Doctrine, which states that the public has rights to the air, water and shore. Serving as a trustee to these 3 natural resources, the State is responsible for protecting and regulating these resources. Any activity that takes place within jurisdiction requires permitting. Any project “in, on, over or under flow tidelands or covered tidelands, falls in this jurisdictional area. The presumptive line marking these territories is based on the best historical information available regarding the historic high water mark.

There are 11 Designated Port Areas in Massachusetts. (Gloucester Inner Harbor, Beverly Harbor, Salem Harbor, Lynn, Mystic River, Chelsea Creek, East Boston, South Boston, Weymouth Fore River, New Bedford-Fairhaven, and Mount Hope Bay) These designated areas were established based on physical and operational characteristics. Three key attributes are considered in designating a DPA. These key attributes are: (1) a waterway and associated waterfront that has been developed for some form of commercial navigation or other direct utilization of the water; (2) backland space that is conducive in both physical configuration and use character to the siting of industrial facilities and operations; and (3) land-based transportation and public utility services appropriate for general industrial purposes.

The State’s justification in protecting these areas stems from the fact that it is unlikely for new DPAs to come into existence and once industrial areas transform into residential or other areas, it is unlikely that they will ever revert to industrial uses. Also, non-industrial sites can normally be sited in other areas.

In total, 1.7% of the Massachusetts shoreline consists of Designated Port Areas. Approximately 3% of Gloucester lies in the DPA.

Moving to a discussion of the regulatory requirements for municipalities with DPAs, Ms. Glenn noted that the State does not require harbor plans of these communities. Harbor plans are drafted to guide the growth and development of harbors, and communities can do harbor planning with no state involvement, which many communities have. These communities still have to meet state requirements. So then, what is the purpose of developing a Harbor Plan? Through the Harbor Planning process, communities can elect to modify some Ch. 91 rules, so long as the over-arching goals of Ch. 91 stay intact and the Secretary of EEA agrees to the proposed changes to these rules. Ms. Glenn added that in coordination with the development of a Harbor Plan, communities must also develop a DPA Master Plan, a document aimed at preserving and enhancing the capacity of the DPA and its uses.

Allowed uses for the DPA include: Water Dependent Industrial uses such as marine terminals, manufacturing facilities, vessel construction facilities, and hydro- electric power. Accessory uses are allowed but cannot exist on their own (for example, the gift/ tee-shirt store within Cape Pond Ice, roadways, or parking lots). Chapter 91 also defines categories for development that support DPA uses. The DPA Master Plan lists allowable supporting DPA uses. Certain forms of development are prohibited within the DPA. Temporary uses within the DPA are allowed for a limited time (up to 10 years) only within certain circumstances. These temporary uses must not change the character of the site.

Boundary reviews of the DPA can be conducted by CZM at the request of 10 citizens from the community. To perform this boundary review, CZM goes back to the “key attributes” that define a DPA and reassesses how well the individual DPA fits with these uses. The regulations are very specific on these reviews.

Ms. Glenn once again noted that this was an extremely quick review of a complex subject. She reiterated that Committee members or other interested members of the public are invited to come visit her at her office to ask any questions and get more info on the DPA or Ch. 91, etc.

Mr. McGeary asked a question on the process of DPA boundary review. He was curious if a municipality was interested in removing a property from the DPA that meets the 3 key attributes, is it unlikely that the parcel would be removed? Ms. Glenn answered that there are certain requirements for what can be reviewed in the first place and that the regulations clearly state the terms for changes to the boundary. If a parcel meets the 3 key attributes for a DPA, it unlikely that the parcel would be removed.

Ms. Malloy asked a question regarding allowable uses under the DPA. As an example, she asked about the Cape Ann Brewery and how that was allowed in the DPA. Ms. Glenn responded that in that particular case, the Brewery was allowed because they meet the regulatory criteria for a supporting use. Also, as written in the permit, a certain percentage of this property is to be reserved for water-dependent use, specifically the storage of lobster traps. Any land that is not storing lobster traps but that has been designated to meet this water-dependent land use percentage must be kept clear and available for future water-dependent use.

Mr. Potter asked for clarification on how far the area covered by Ch. 91 extends into the water. Ms. Glenn clarified that it runs from the boundary line on land to the 3 mile mark that designates the end of state and beginning of federal waters.

Mr. Verga noted that at a recent City Council meeting, the question was raised: In 50 words or less, what does the DPA do for Gloucester? He redirected the question to Ms. Glenn. She responded that it depends on who you are asking. She said the DPA is effective at laying out collective community goals through the Harbor Planning Process, provides protection for commercial fishing vessels and for those who have water dependent use, and keeps pressure on the community to retain these uses. Additionally, the DPA protects those people trying to maintain water-dependent jobs. Only a small bit of coast line is available or designed to do this sort of work.

Mr. Vitale asked if the water area is calculated when determining if Gloucester's 50% requirement for water-dependent usage on a DPA site. Ms. Glenn responded that although the water in the inner harbor is considered part of the DPA, it is not part of this 50% calculation. Only the land and pile-supported pier count in this water-dependent usage calculation.

Mayor Kirk thanked Ms. Glenn for her presentation and asked if Gloucester should have a Harbor Plan if it is voluntary. She also asked what the down side is of not having a harbor plan. Ms. Glenn explained that without a Harbor Plan, DPA regulations remain exactly as written. Only through the Harbor Planning process can slight modifications or tailoring be made to these regulations.

Mr. Pino asked if these regulations can be tailored so that the 50% requirement for water-dependent usage could all take place on pile-supported piers? Ms. Glenn responded that this is not an area where there is flexibility, and that this would not be allowed under the current regulations.

In a short conversation among several members of the group, it was clarified that the Harbor Planning Process and the DPA Boundary Review Process are two distinct processes. A Boundary review can be initiated by either a property owner within the DPA (of his/her property) or a group of 10 citizens from the community.

Mr. Cefalo asked when the DPA regulations were written, when they were last updated and when Gloucester was last reviewed as part of the Boundary Review Process. Ms. Glenn responded that the DPAs were created in 1978. To the best of her knowledge, Gloucester has not been looked at since then, except for a part downtown has been taken out of the City's DPA.

Ms. Kirk clarified that CZM can do a boundary review on its own discretion. It was confirmed that the Secretary of CZM can initiate such a review on his/her own accord, but it is not likely without impetus from the community. The City's administration could make it clear that they would like this review conducted, in which case the Secretary may be more likely to conduct the review without the request from a private property owner or a group of 10 citizens.

Mr. Potter made sure that the DPA boundary review would not change any Chapter 91 boundary unless there was a mistake made in the initial determination of that Ch. 91 boundary based on the best available historic information. Ms. Glenn confirmed this, noting that unless there was a mistake on the original determination of the HHW, the DPA boundary review process would not change this border. It was also clarified that the Ch. 91 boundary is distinct and different from the DPA boundary.

A question was also asked on the 3 key attributes for determining if a property should be included in the DPA or not. It was cleared up that the property has to meet all three criteria, not just one or two of the criteria.

In closing, Mr. Noonan thanked Ms. Glenn for her presentation and for answering questions.

The Maritime Economy Working Group:

a. The 2011 Maritime Summit: Mayor Carolyn Kirk

Mayor Kirk thanked the Committee members for their service and says thanks also to Kathryn for her presentation on the DPA. She added that if the board could contemplate a request for boundary review, this is something she would like to see done.

She added that there has been another ad hoc committee working for the City for a little over a year, called the Maritime Summit Working Group. This ad hoc group and the Summits themselves were born out of citizen requests for putting the shoulder to the wheel in order to figure out how to protect the working waterfront but also diversify economy of that working waterfront. The main question to be addressed is how to incorporate new diversified businesses to our waterfront without displacing those that are already there. To facilitate this process, a diverse group of people have been brought together in the Maritime Summit Working Group and their first task has been to fully explore the question of what new jobs of will look like in Gloucester within the context of the working port. Funding has been provided through the Economic Development Administration (Dept. of Commerce) and the Metropolitan Area Planning Council has assisted in organizing and running the Summits. Essential questions that were explored at the 2011 Summit included research on the economic sector of this working waterfront, mainly the marine science and technology industry cluster.

The Maritime Economy Working Group and the City's staff have done a great deal of research to size this market up. Based on this research, it is clear that the North Shore is well situated for marine science and technology work. As it turns out, the area is second to only Boston in the level of venture capital investment and new patents issued. It is often thought that the South Shore leads the North Shore in this field (especially with Woods Hole) but the North Shore is more of a competitor in the field than many think.

The Working Group on the City's Maritime Economy seeks to identify the City's assets in the field of marine technology and science and is seeking to make Gloucester the hub or center of this economic sector in a way that is compatible with our working harbor front. The first Summit in 2011 brought together about 100 people and included presentations and discussion groups. A formal report was generated with the findings of the summit as well as a webinar that was broadcast as a follow-up for any interested members of the public.

At some point, the Mayor would like to see the convergence of the Fisheries Commission, the Working Group on the Maritime Economy, and the Harbor Planning Committee to create a joint vision for the City. The hard work needs to be done in the context of the different committees, after which the three groups should come together. Chapter 1 of the updated Harbor Plan will capture this united vision.

When the Maritime Economy Working Group was formed, the City administration was not sure what they would find. The process has been enlightening. The vision for the waterfront has started to come together and is beginning to resemble a sort of maritime campus of assets, including the convergence of research facilities like the Ocean Alliance, the Large Pelagics Research Center, the Division of Marine Fisheries, NOAA, Endicott College etc. The hope is that all of these organizations and new ones like them will coalesce around common vision for city. The Mayor is optimistic for this transition for the City's economy in a way that is compatible with current businesses in Gloucester.

b. Introductions: Sarah Garcia

Ms. Garcia listed the members from the Gloucester Maritime Economy Working Group: Mayor Carolyn Kirk, Iain Kerr of Ocean Alliance, Tom Balf of Maritime Gloucester, Earl Meredith, Peter Feinstein, Valerie Nelson, Sarah Garcia, Marcy Pregent and Steve Parkes. As the process moves forward and with the help of this group Ms. Garcia noted that there is a better understanding being developed of the possibilities that exist for diversifying the economy on the waterfront. She listed a few examples of where this development could potentially take the city.

Next, Ms. Garcia formally introduced Iain Kerr of the Ocean Alliance, who came to present before the Committee.

c. The Face of the Maritime Economy: Ian Kerr

Mr. Kerr thanked the group for having him present. He explained his organization, Ocean Alliance, in a brief overview. He began by noting the irony of calling our planet "Earth" instead of "water" considering that the planet is covered 71% by water. There are endless opportunities in the ocean right now. Looking ahead, the field of ocean research is going to explode.

Ocean Alliance currently employs two research vessels bigger than 80 feet as well as two others. They have worked in 21 other countries all over the world and partner with 14 universities worldwide. The Odyssey, one of The Ocean Alliance's research vessels, is fully equipped with a lab on board and performs research based on the concept that whales serve as bioindicators of the ecosystem. This vessel allows scientists on board to biopsy whales, grow the biopsy cells, and then expose them to different contaminants. This allows Ocean Alliance researchers to find out what is in the water as well as the impacts of various contaminants.

An ongoing Ocean Alliance project is also being conducted off Argentina, and is the longest ongoing study of whales. It deals with pattern recognition of the calcified structures on right whales.

Ocean Alliance is also working on a project that will involve the use of small UAVs (Unmanned Aerial Vehicles) designed to perform surveillance over the water. Eventually these will be used to spot whales and other ocean animals near research vessels on missions. They will be tested right here over Gloucester harbor. Mr. Kerr finds the field of robotics fascinating and thinks there will be a lot of potential in the context of ocean research in coming years. Researchers need harbors like Gloucester because expertise in many related areas needed for research is already here. Mr. Kerr has already benefited from his relocation to Gloucester harbor and the expertise that the working waterfront brings.

In other robotic developments, the Ocean Alliance is also working on a “SnotBot”- a device that is used over a whale’s blowhole to collect DNA and hormones excreted when the whale exhales. These samples can be used to determine the whale’s gender and health levels, among other factors.

As Mr. Kerr sees it, there are two distinct areas of opportunity in the emerging field of ocean science. The first deals with defining the problems/ issues that are currently impacting our oceans, and the second involves creating solutions to those problems.

Mr. Kerr also discussed the opportunities in the increasingly important field of green chemistry, including the prospects for creating a type of plastic that biodegrades in seawater.

Mr. Kerr then provided a brief description of the goals and purpose of the Working Group for the Maritime Economy.

Mr. Noonan thanked Mr. Kerr for his presentation and asked him for a quick explanation of the boat project scheduled for Gloucester next summer. Mr. Kerr responded that through his international connections, he was successful with others in setting up a world renowned autonomous sailboat race in Gloucester for next summer. The event is sure to draw attention from all over the world and is a great opportunity for the community. He added that the longest autonomous sail boat expedition is only 8 miles. After this event next June, he is hoping to launch boat to sail to Provincetown and back to break the world record. Ms. Garcia asked if Gloucester High School will be launching a boat as part of this event. Mr. Kerr noted that they will be working with Gloucester High School as well As Maritime Gloucester.

Mr. Potter asked how Mr. Kerr envisions the best use for Gloucester’s waterfront. Mr. Kerr responded that he is a generalist, and therefore thinks too much overspecialization in a certain field or area would be a bad thing for Gloucester. More diversity is better instead of less. Ideally, Gloucester should serve as a way for businesses and researchers that need transition things from the land to the ocean.

Mr. Cefalo asked Mr. Kerr what the City can do to help bring the sort of companies that are sourcing robotics and other marine technology products to Gloucester. Mr. Kerr responded that Gloucester needs to start marketing itself a bit better so people know about what the community has to offer. Mayor Kirk added that through an RFP, the City has obtained the services of a public relations representative that is working to better publicize Gloucester’s assets to outside businesses and companies.

Mr. Kerr was thanked for his presentation.

d. The Maritime Economy Company Database: Peter Feinstein

Next, Peter Feinstein, another member of the Maritime Economy Working Group, presented to the group on a survey that was conducted as a follow-up to the 2011 Maritime Economy Summit. He circulated copies of a database that is being compiled through this survey. Mr. Feinstein noted that an over-arching theme emerged from the Summit: there is a shift occurring in the industry that defines Gloucester's economy. Similar to the shift that has happened in MA overall, the local economy has diversified from its most historically significant industry: fishing.

At the 2011 Summit, participants spent day talking about the future and the question was raised to see if anyone has a list of the types of businesses that Gloucester would like to attract to the waterfront. To follow up on this question, an intern was hired by the city to compile a list using internet searches. The intern was selected because of his family roots with the fishing industry. In searching for these companies, the intern was asked to consider whether or not there is there an economy out there that we can attract to Gloucester that will support the community that we all love.

Funding was raised for the intern and he started making a list. He met with Mr. Feinstein once or twice a week over 8 weeks to give updates on the progress. In all, the intern came up with 300 companies. The list is not high quality and not sorted in any particular way. Companies from both the U.S. and Canada were searched that might be interested in moving to Gloucester. Mr. Feinstein noted that if anyone in the group has additional companies in mind, to please send him the info and he can add them to the list.

In a review of the database, Mr. Feinstein noted that it can be sorted by current business location, business sector, subsector, as well as overall "suitability" to Gloucester—ranks that were designated by the intern based on his knowledge growing up in Gloucester. Although it is just a start, this list can be very useful in understanding the potential for Gloucester's waterfront in the future. It is something tangible that can help turn ideas into action. The ideal economy for Gloucester will be one that can employ locals, building on their knowledge, and work with their skill set.

Mr. Feinstein noted that anyone who would like a copy of the database can be emailed a copy. He is hoping the 2013 Summit will help add new names too. He was able to email 240 invites using the database for the new summit, and only had a 10% return rate.

Mr. Pino asked why these companies would work best on the water instead of a nearby site, like Blackburn industrial park. Mr. Feinstein responded that many of these companies are small and have reasons to be on water because they are running labs, research, etc.

Mr. Vitale noted that a while back, a database was compiled of local fishing vessels that would be willing to volunteer their boats and services to companies or universities looking to do collaborative research. Although it didn't pan out at the time, now might be a good time to reinstitute this database as the city tries to attract new business to the waterfront. He also reminded the group that the fishing industry is not diminishing, but staying alive despite a difficult set of circumstances. Also, as continual pressure is felt from strict regulations, smaller ports in NH and ME towns will fall, displacing remaining vessels to larger ports like Gloucester. This means the fishing industry could swell instead of shrink in the coming years.

The group thanked Mr. Feinstein for his presentation, noting it is a significant and important start.

In final words, the Mayor thanked Mr. Feinstein for presenting, and closed by noting that when contemplating the future of the port, a balance needs to be struck between bringing new ideas and putting pressure on the regulatory authorities to ensure that these positive changes for the future can take place within the framework of the DPA and other rules and regulations. It is important for the Committee to think big and there is a long road ahead for this work with lots of different people who will be weighing in. She thanked everyone on the Committee for their service and the larger group for attending the meeting.

The next meeting, and all to follow, will be on the third Monday of each month. The January meeting will be on the 21st at the same time. Locations for meetings will continue to rotate for the next few meetings. Ms. Garcia will be in touch with final details on the next meeting.

4. Adjournment

Mr. McGearry motioned to adjourn the meeting, Ms. Pregent seconded the motion. Meeting adjourned at 9:02 pm.